

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-03842-JLC

Radar Online LLC et al v. Federal Bureau of Investigation
Assigned to: Magistrate Judge James L. Cott
Cause: 05:552 Freedom of Information Act

Date Filed: 05/22/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Radar Online LLC**

represented by **Daniel Richard Novack**
Daniel Novack
Penguin Random House
1745 Broadway 14th Floor
New York, NY 10019
201-213-1425
Email: dan@novackmedialaw.com
ATTORNEY TO BE NOTICED

Plaintiff**Michael Best**

represented by **Daniel Richard Novack**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**Federal Bureau of Investigation**

represented by **Jennifer Ellen Blain**
United States Attorney's Office, SDNY
One Saint Andrew's Plaza
New York, NY 10007
(212)637-2743
Fax: (212) 637-2730
Email: Ellen.Blan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sharanya Mohan
United States Attorney's Office
Southern District Of New York
86 Chambers Street, Third Floor
New York, NY 10007
(212)-637-2737
Fax: (212)-637-2786
Email: sharanya.mohan@usdoj.gov
TERMINATED: 08/19/2019
LEAD ATTORNEY

Casey Kyung-Se Lee
United States Attorney's Office SDNY
86 Chambers St.
New York, NY 10007
212-637-2800
Fax: 212-637-2686
Email: casey.lee@usdoj.gov
TERMINATED: 02/18/2020

Date Filed	#	Docket Text
------------	---	-------------

05/22/2017	<u>1</u>	COMPLAINT against Federal Bureau of Investigation. (Filing Fee \$ 400.00, Receipt Number 0208-13693000) Document filed by Radar Online LLC, Michael Best. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Novack, Daniel) (Entered: 05/22/2017)
05/22/2017	<u>2</u>	CIVIL COVER SHEET filed. (Novack, Daniel) (Entered: 05/22/2017)
05/22/2017	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Radar Online LLC.(Novack, Daniel) (Entered: 05/22/2017)
05/22/2017	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Federal Bureau of Investigation, re: <u>1</u> Complaint. Document filed by Michael Best, Radar Online LLC. (Novack, Daniel) (Entered: 05/22/2017)
05/23/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Gregory H. Woods. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (kl) (Entered: 05/23/2017)
05/23/2017		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (kl) (Entered: 05/23/2017)
05/23/2017		Case Designated ECF. (kl) (Entered: 05/23/2017)
05/23/2017	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to Federal Bureau of Investigation. (kl) (Entered: 05/23/2017)
06/01/2017	<u>6</u>	NOTICE OF INITIAL CONFERENCE: Initial Conference set for 9/5/2017 at 10:00 AM in Courtroom 12C, 500 Pearl Street, New York, NY 10007 before Judge Gregory H. Woods. And as further set forth in this Order. SO ORDERED. (Signed by Judge Gregory H. Woods on 6/1/2017) (anc) (Entered: 06/01/2017)
06/08/2017	<u>7</u>	AFFIDAVIT OF SERVICE (FOIA CASE) of Summons and Complaint served. Federal Bureau of Investigation served on 6/8/2017, answer due 7/10/2017. Service was made by Mail. Document filed by Radar Online LLC. (Novack, Daniel) (Entered: 06/08/2017)
06/16/2017	<u>8</u>	NOTICE OF APPEARANCE by Sharanya Mohan on behalf of Federal Bureau of Investigation. (Mohan, Sharanya) (Entered: 06/16/2017)
06/19/2017	<u>9</u>	ORDER: It is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge. If both parties consent to proceed before the Magistrate Judge, counsel for the defendant must, within two weeks of the date of this order mail or email directly to the Orders and Judgments Clerk (judgments@nysd.uscourts.gov) a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this order (and also available at http://nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge); and as further set forth herein. SO ORDERED. (Signed by Judge Gregory H. Woods on 6/19/2017) (anc) (Entered: 06/19/2017)
06/23/2017	<u>10</u>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Michael Best, Federal Bureau of Investigation, Radar Online LLC. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge James L. Cott. (Signed by Judge Gregory H. Woods on 6/23/2017) (anc) (Entered: 06/23/2017)
06/26/2017	<u>11</u>	ORDER: The Court directs the parties to submit a proposed stipulation and order regarding a schedule for summary judgment motion practice no later than July 10, 2017 for the Court's approval. Unless the parties believe it is necessary, the Court will otherwise dispense with an initial case management conference at this time. Relatedly, the initial conference scheduled by Judge Woods for September 5, 2017 (Dkt. No. 6) is

		hereby adjourned sine die. Finally, even though the Court anticipates that the parties will be filing cross-motions for summary judgment under Rule 56, the Court will excuse the requirement of filing Statements under Local Rule 56.1, which are generally not useful in cases of this kind. Once the motions are fully submitted, the Court will determine whether oral argument is necessary. (Signed by Magistrate Judge James L. Cott on 6/26/2017) (kgo) (Entered: 06/26/2017)
07/07/2017	<u>12</u>	LETTER addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated July 7, 2017 re: the Court's Order directing the parties to submit a briefing schedule. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 07/07/2017)
07/10/2017	<u>13</u>	ANSWER to <u>1</u> Complaint. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 07/10/2017)
07/10/2017	<u>14</u>	MEMO ENDORSEMENT on re: <u>12</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. The parties are directed to provide the Court with a status report by August 1 and, if appropriate, to propose a briefing schedule. (Signed by Magistrate Judge James L. Cott on 7/10/2017) (kgo) (Entered: 07/10/2017)
07/13/2017	<u>15</u>	AMENDED ANSWER to <u>1</u> Complaint. Document filed by Federal Bureau of Investigation. (Mohan, Sharanya) (Entered: 07/13/2017)
08/01/2017	<u>16</u>	LETTER addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated August 1, 2017 re: status of the parties' negotiations. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 08/01/2017)
08/02/2017	<u>17</u>	LETTER MOTION for Extension of Time <i>to continue negotiations as to scope of FOIA request</i> addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated August 1, 2017. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 08/02/2017)
08/02/2017	<u>18</u>	ORDER granting <u>17</u> Letter Motion for Extension of Time. Application granted. (HEREBY ORDERED by Magistrate Judge James L. Cott)(Text Only Order) (Cott, James) (Entered: 08/02/2017)
08/21/2017	<u>19</u>	STIPULATION AND ORDER MODIFYING FOIA REQUEST: It is hereby STIPULATED and AGREED between the Parties as follows: The FBI's search obligation in this action as to the Scientology Request are governed solely by the searches set forth in the Joint Proposal for New Searches (the "Joint Proposal"), attached hereto as Exhibit 1, and not by the original Scientology Request. The Joint Proposal reflects the modification to the Scientology Request agreed to by the Parties (the "Modified Scientology Request")...Nothing in this Stipulation modifies the substantive legal standard otherwise applicable under law governing any claim by Plaintiffs for attorneys' fees, and as further set forth herein. (Signed by Magistrate Judge James L. Cott on 8/21/2017) (ras) (Entered: 08/21/2017)
08/21/2017	<u>20</u>	ORDER: In this action brought under the Freedom of Information Act, the parties have submitted, and the Court has approved, a Stipulation and Proposed Order Modifying FOIA Request ("the Stipulation"). The parties are hereby directed to submit a letter to the Court by September 1, 2017 advising the Court how they propose to proceed in the pending action in light of the Stipulation, and whether any motion practice will be necessary. (Signed by Magistrate Judge James L. Cott on 8/21/2017) (ras) (Entered: 08/21/2017)
08/31/2017	<u>21</u>	LETTER addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated August 31, 2017 re: response to Court's August 21, 2017 Order. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 08/31/2017)
08/31/2017	<u>22</u>	ORDER: In this action brought under the Freedom of Information Act, the Court would like to hold a conference, by telephone, on September 7, 2017 at 5:00 p.m. to discuss the parties' letter, dated August 31, 2017 (Dkt. No. 21). The parties should call chambers on that date and time at (212) 805-0250 with both sides on the line, or alternatively provide a call-in number to chambers before the conference by emailing it to CottNYSDChambers@nysd.uscourts.gov. Telephone Conference set for 9/7/2017 at 05:00 PM before Magistrate Judge James L. Cott. (Signed by Magistrate Judge James L. Cott on 8/31/2017) (kgo) (Entered: 08/31/2017)

09/07/2017		Minute Entry for proceedings held before Magistrate Judge James L. Cott: Telephone Conference held on 9/7/2017. (Tam, David) (Entered: 09/07/2017)
09/08/2017	<u>23</u>	ORDER: As discussed during yesterday's telephone conference, the parties are directed to submit a status report to the Court by November 30, 2017. Following that report, the Court will determine whether additional status reports, or some other means of proceeding, will be appropriate in charting the further course of the case. (Signed by Magistrate Judge James L. Cott on 9/8/2017) (ap) (Entered: 09/08/2017)
11/30/2017	<u>24</u>	STATUS REPORT. Document filed by Michael Best, Radar Online LLC.(Novack, Daniel) (Entered: 11/30/2017)
12/01/2017	<u>25</u>	MEMO ENDORSEMENT on re: <u>24</u> Status Report filed by Michael Best, Radar Online LLC. ENDORSEMENT: The parties are directed to provide a status update by March 1, 2018 and the Court will then determine the most appropriate way to proceed thereafter. (Signed by Magistrate Judge James L. Cott on 12/1/2017) (kgo) (Entered: 12/01/2017)
03/01/2018	<u>26</u>	LETTER addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated March 1, 2018 re: joint status update. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 03/01/2018)
03/02/2018	<u>27</u>	MEMO ENDORSEMENT on re: <u>26</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT; Application granted. The parties are directed to provide a status update by May 1, 2018 and the Court will then determine the most appropriate way to proceed. Any further application of this kind should be made by letter-motion not by letter so that the court may adjudicate through a text-only order. (Signed by Magistrate Judge James L. Cott on 3/2/2018) (kgo) (Entered: 03/02/2018)
05/01/2018	<u>28</u>	LETTER addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated May 1, 2018 re: Joint Status Update. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 05/01/2018)
05/01/2018	<u>29</u>	MEMO ENDORSEMENT: on re: <u>28</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: The parties are directed to provide their next status update by October 1, 2018. (Signed by Magistrate Judge James L. Cott on 5/1/2018) (ap) (Entered: 05/01/2018)
10/01/2018	<u>30</u>	LETTER MOTION to Continue <i>re: status update</i> addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated October 1, 2018. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 10/01/2018)
10/02/2018	31	ORDER granting <u>30</u> Letter Motion to Continue. Thank you for this status report. The parties are directed to provide their next status update by February 1, 2019. (HEREBY ORDERED by Magistrate Judge James L. Cott)(Text Only Order) (Cott, James) (Entered: 10/02/2018)
12/27/2018	<u>32</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (mro) (Entered: 01/02/2019)
12/27/2018		Case Stayed (mro) (Entered: 01/14/2019)
02/21/2019	<u>33</u>	LETTER MOTION to Continue <i>re: status update</i> addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated February 21, 2019. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 02/21/2019)
02/21/2019	34	ORDER granting <u>33</u> Letter Motion to Continue. Thank you for this status report. The parties are directed to provide their next status update by July 1, 2019. (HEREBY ORDERED by Magistrate Judge James L. Cott)(Text Only Order) (Cott, James) (Entered: 02/21/2019)
07/01/2019	<u>35</u>	LETTER MOTION to Continue <i>re status update</i> addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated July 1, 2019. Document filed by Federal Bureau of Investigation.(Mohan, Sharanya) (Entered: 07/01/2019)
07/01/2019	36	ORDER granting <u>35</u> Letter Motion to Continue. Thank you for this status report. The parties are directed to provide their next status update by November 15, 2019.

		(HEREBY ORDERED by Magistrate Judge James L. Cott)(Text Only Order) (Cott, James) (Entered: 07/01/2019)
08/09/2019	<u>37</u>	NOTICE OF APPEARANCE by Casey Kyung-Se Lee on behalf of Federal Bureau of Investigation. (Lee, Casey) (Entered: 08/09/2019)
08/12/2019	<u>38</u>	LETTER addressed to Magistrate Judge James L. Cott from Sharanya Mohan dated August 12, 2019 re: withdrawal as counsel. Document filed by Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration of Sharanya Mohan)(Mohan, Sharanya) (Entered: 08/12/2019)
08/19/2019	<u>39</u>	MEMO ENDORSEMENT on re: <u>38</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. The Clerk is directed to terminate AUSA Mohan as counsel of record in this case. SO ORDERED. Attorney Sharanya Mohan terminated. (Signed by Magistrate Judge James L. Cott on 8/19/2019) (jca) (Entered: 08/19/2019)
11/15/2019	<u>40</u>	STATUS REPORT. Document filed by Federal Bureau of Investigation.(Lee, Casey) (Entered: 11/15/2019)
11/18/2019	<u>41</u>	MEMO ENDORSEMENT on re: <u>40</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: The parties are directed to provide their next status update, including whether any motion practice will be necessary (or alternatively may file a stipulation of dismissal) by January 15, 2020. SO ORDERED. (Signed by Magistrate Judge James L. Cott on 11/18/2019) (jca) (Entered: 11/18/2019)
01/15/2020	<u>42</u>	STATUS REPORT. Document filed by Federal Bureau of Investigation.(Lee, Casey) (Entered: 01/15/2020)
01/16/2020	<u>43</u>	MEMO ENDORSEMENT on re: <u>42</u> Status Report filed by Federal Bureau of Investigation. ENDORSEMENT: The parties are directed to provide their next, and perhaps final, update, including whether any motion practice will be necessary, by February 28, 2020. SO ORDERED. (Signed by Magistrate Judge James L. Cott on 1/16/2020) (jca) (Entered: 01/16/2020)
02/14/2020	<u>44</u>	PROPOSED CONSENT ORDER. Document filed by Federal Bureau of Investigation..(Blain, Jennifer) (Entered: 02/14/2020)
02/18/2020	<u>45</u>	CONSENT ORDER GRANTING SUBSTITUTION OF ATTORNEY: Notice is hereby given that, subject to the approval by the court, Federal Bureau of Investigation substitutes Jennifer Ellen Blain State Bar No. 4343000 as counsel of record in place of Casey K. Le. The substitution of attorney is hereby approve and so ORDERED., Attorney Jennifer Ellen Blain for Federal Bureau of Investigation added. Attorney Casey Kyung-Se Lee terminated. (Signed by Magistrate Judge James L. Cott on 2/18/2020) (rj) (Entered: 02/18/2020)
02/28/2020	<u>46</u>	LETTER addressed to Magistrate Judge James L. Cott from AUSA Ellen Blain dated February 28, 2020 re: Status Report. Document filed by Federal Bureau of Investigation..(Blain, Jennifer) (Entered: 02/28/2020)
02/28/2020	<u>47</u>	MEMO ENDORSEMENT on re: <u>46</u> Letter filed by Federal Bureau of Investigation. ENDORSEMENT: Application granted. The deadline is hereby extended to March 31, 2020. SO ORDERED. (Signed by Magistrate Judge James L. Cott on 2/28/2020) (rro) (Entered: 03/02/2020)
03/31/2020	<u>48</u>	LETTER MOTION to Stay and Status Update addressed to Magistrate Judge James L. Cott from AUSA Ellen Blain dated March 31, 2020. Document filed by Federal Bureau of Investigation..(Blain, Jennifer) (Entered: 03/31/2020)
04/01/2020	<u>49</u>	ORDER granting <u>48</u> Letter Motion to Stay. Given current circumstances, the request to stay this case for 60 days is hereby granted, on consent. The parties should advise the Court by June 1, 2020 whether the case should be reactivated or the stay continued. (HEREBY ORDERED by Magistrate Judge James L. Cott)(Text Only Order) (Cott, James) (Entered: 04/01/2020)
06/01/2020	<u>50</u>	LETTER addressed to Magistrate Judge James L. Cott from AUSA Ellen Blain dated June 1, 2020 re: Case Reinstatement and Update. Document filed by Federal Bureau of Investigation..(Blain, Jennifer) (Entered: 06/01/2020)

06/01/2020	<u>51</u>	ORDER. The request that the stay be lifted and the case reinstated on the Court's active docket is hereby granted. The Clerk is respectfully directed to remove the "stay" designation from the docket. The parties are directed to provide the Court with another status report by July 1, including whether any motion practice will be necessary (and if so, proposing a schedule for that motion practice). Any subsequent requests for relief should be presented by letter–motion, not by letter. (HEREBY ORDERED by Magistrate Judge James L. Cott) (Text Only Order) (Cott, James) (Entered: 06/01/2020)
07/02/2020	<u>52</u>	LETTER addressed to Magistrate Judge James L. Cott from AUSA Ellen Blain dated July 2, 2020 re: Status Update. Document filed by Federal Bureau of Investigation..(Blain, Jennifer) (Entered: 07/02/2020)
07/02/2020	<u>53</u>	ORDER. The application is granted, nunc pro tunc. (HEREBY ORDERED by Magistrate Judge James L. Cott) (Text Only Order) (Cott, James) (Entered: 07/02/2020)